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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

JASON RASMUSSEN, et al.,

*on behalf of themselves and all others  
similarly situated,*

Plaintiffs,

v.

UINTAH BASIN HEALTHCARE,

Defendant.

Case No. 2:23-cv-00322-CMR

**PLAINTIFFS' UNOPPOSED SECOND MOTION TO CONSOLIDATE RELATED  
CASES**

Plaintiffs Jason Rasmussen, Mindy Rasmussen, Mandy Keasler, on behalf of herself and her minor child, A.K., and Christian Miller ("*Rasmussen* Plaintiffs"), individually and on behalf of all others similarly situated, hereby move to consolidate two related cases (1) *Halton, et al., v. Uintah Basin Healthcare*, Case No. 2:23-cv-00373-JCB (D. Ut.) ("*Halton*") and (2) *Hyatt v. Uintah Basin Medical Center*, Case No. 2:23-cv-00377-CMR (D. Ut.) ("*Hyatt*") into the present action: *Rasmussen*.

Counsel for the *Rasmussen* Plaintiffs conferred with counsel from the *Halton* and *Hyatt* matters, as well as Defendant's Counsel, who indicated they do not oppose consolidation.

The grounds for this Motion are set forth in the contemporaneously filed Memorandum.

Dated: July 27, 2023

Respectfully submitted,

/s/ Bryan L. Bleichner

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**PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF SECOND UNOPPOSED  
MOTION TO CONSOLIDATE CASES**

Plaintiffs Jason Rasmussen, Mindy Rasmussen, Mandy Keasler, on behalf of herself and her minor child, A.K., and Christian Miller (“*Rasmussen* Plaintiffs”), individually and on behalf of all others similarly situated, hereby move to consolidate (1) *Halton, et al., v. Uintah Basin Healthcare*, Case No. 2:23-cv-00373-JCB (D. Ut.) and (2) *Hyatt v. Uintah Basin Medical Center*, Case No. 2:23-cv-00377-CMR (D. Ut.) (collectively, the “*Halton* and *Hyatt* matters”) into the present action: *Rasmussen, et al., v. Uintah Basin Healthcare*, Case No. 2:23-cv-00322 (D. Ut.) (the “*Rasmussen* matter”) (collectively, the “Related Actions”).

Consolidation of the Related Actions under Fed. R. Civ. P. 42(a) is appropriate because the cases involve common parties (*i.e.*, the same Defendant) and allege similar facts and legal claims. Consolidation will also enable the Court to conduct proceedings in one combined action, ensuring that the Related Actions are adjudicated efficiently. Plaintiffs therefore respectfully request that the Court enter an order consolidating the Related Actions for all purposes, including discovery and trial.

**I. CONSOLIDATION IS APPROPRIATE**

Under Federal Rule 42(a) and Local Rule DUCivR 42-1(a), this Court has broad discretion to consolidate actions involving common questions of law or fact. *Shump v. Balka*, 574 F.2d 1341, 1344 (10th Cir. 1978). The Tenth Circuit has held that:

When actions involving a common question of law or fact are pending before court, it may order a joint hearing or trial of any or all of the matters in issue in the action, it may order all actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

*Id.* Under the Federal Rules of Civil Procedure, courts may consolidate two or more related actions, where, as here, the actions involve at least one common question of law or fact. Fed. R. Civ. P.

42(a) (“If actions before the court involve a common question of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay.”); *see also Dorn v. Mueller*, No. 10-cv-00925-WYD-CBS, 2010 WL 2232418, at \*1 (D. Colo. May 28, 2010) (consolidating actions “based on nearly identical legal theories and underlying facts” with “similar theories of damages and recovery”).

In this case, consolidation falls soundly within this Court’s discretion because the *Halton* and *Hyatt* matters involve “common question[s] of law [and] fact” with the *Rasumussen* matter, which warrants consolidation of the actions to “avoid unnecessary cost or delay.” Fed. R. Civ. P. 42(a). Specifically, the Related Actions assert multiple common causes of action against the same Defendant, relating to the same factual underpinnings and seeking the same relief in response to the same event, *i.e.*, the data incident described in Defendant’s Notice of Security Incident (the “Data Breach”). Moreover, each case commonly seeks certification of an overlapping nationwide class and alleges that Class Members suffered harm as a result of Defendant’s alleged failure to adequately protect Plaintiffs’ and Class Members’ personally identifiable and protected health information (collectively, “Private Information”). Consolidation is further supported by the fact that Defendant’s anticipated defenses will share many common questions of law and fact.

The Court should also order the consolidation of all subsequently filed actions involving common questions of law and fact and subject the consolidated cases to Plaintiffs’ interim class leadership structure in order to facilitate efficient prosecution of this Data Breach litigation. Consolidation will streamline and simplify discovery, pretrial motions (including a motion to dismiss and class certification), administrative management, and generally prevent waste, confusion, or delay that would inevitably arise from separate prosecution of the Related Actions.

Importantly, counsel in the *Halton* and *Hyatt* matters do not oppose consolidation. In short, consolidating the *Halton* and *Hyatt* matters with the *Rasmussen* matter is the most appropriate and sensible course of action.

For these reasons, Plaintiffs respectfully request that this Court grant Plaintiffs' Second Motion to Consolidate Related Actions.

## II. CONCLUSION

For all these reasons, Plaintiffs respectfully request Court consolidate the *Halton* and *Hyatt* matters into *Rasmussen v. Uintah Basin Healthcare*, Case No. 2:23-cv-00322-CMR (D. Ut.).

Dated: July 27, 2023

Respectfully submitted,

/s/ Bryan L. Bleichner

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*\*Admitted pro hac vice*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 27th day of July 2023, I caused to be served, via the court's E-filing system or via email, a true and correct copy of **PLAINTIFF'S SECOND MOTION TO CONSOLIDATE CASES** on Defendant's Counsel via the Court's ECF system.

/s/ Bryan L. Bleichner  
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